

**All corrections to notes on this calendar
should be filed no later than 12 P.M.
(noon) on 9-24-03. Documents filed after
this time may not be reviewed prior to
hearing and could result in a
continuance of your case.**

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P

14. CASE #: RG RS00900

CASE NAME: KYLE CORNWALL; MICHAEL & JOSHUA STOWERS

HEARING:

Hearing Re: STATUS.

JAMES KOENIG

KATHLEEN KOENIG

KYLE CRAIG CORNWALL

MICHAEL ALAN STOWERS

JOSHUA EUGENE STOWERS

MARGARET CALL

(PET) ... DONALD G HASLAM

(PET) ... DONALD G HASLAM

(MIN) ...SISSIE BARKER

(MIN) ...SISSIE BARKER

(MIN) ...SISSIE L BARKER

(PET) ... PRO/PER

SUSAN MARIE KOENIG

(OBJ) ... PRO/PER

Continued from 2-11-03, 4-29-03 and 7-22-03. Objector's attorney has been relieved as attorney of record. Also attorney for petitioners has filed a substitution of attorney. Nothing new filed.

1. Parties entered into an agreement re visitation. Matter on for review of agreement and issue of reunification with father.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03 TIME: 9:30 DEPT: R16P -----

15. CASE #: RG RS00904

CASE NAME: COOPER GARRETT ANDERSON

HEARING:

Hearing Re: PROOF OF DEPOSIT IN BLOCKED ACCOUNT.

COUNSEL:

ALEENA CORONA (PET) ... GLEN L ROTNER

COOPER GARRETT ANDERSON (MIN)...

Proof of deposit in blocked account. **Continued from 12-17-02, 3-11-03 and 6-3-03.**
Nothing new filed.

1. Case is awaiting the disposition of a probate in San Francisco. Petitioner was to send an inventory and appraisal to San Francisco to the San Francisco Probate Referee. Nothing new filed.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

16. CASE ## :RG RS00942

CASE NAME: D'NYSE BROWN AND MARQUES BROWN

HEARING:

Hearing Re: accounting review/proof of blocked accts.

COUNSEL:

DARRYL BROWN

(PET) ... PRO/PER

D'NYSE BROWN

(MIN)...

MARQUES BROWN

(MIN) ... LINDA GLADSON

Continued from 3-25-03, 5-20-03 and 7-22-03. On 5-20-03 the court ordered that powers were to be suspended until such time as an accounting is filed. On 7-22-03 court reinstated powers. Court appointed Attorney Gladson to represent the minors. The court ordered the guardian to cooperate with the University to enroll D'Nyse in college. Court also authorized guardian to file petition to withdraw funds for the use of the minor at the University. This petition was in fact filed and granted. Matter continued to this date for accounting and proof of blocked account. Nothing new filed.

1. Matter is set for accounting review. No accounting has been filed. Court ordered that accounting be filed 21 days in advance of hearing. Petitioner was present in court when the order was made. Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the guardian.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03 TIME: 9:30 DEPT: R16P -----

17. CASE ##: RG RS01108

CASE NAME: ANA ISABEL COLINDRES

HEARING:

FIRST ACCT CURRENT & REPORT

COUNSEL:

ATHALIA ISABEL COLINDRES (PET) ...ALPERTSTEIN, SIMON, GILLIN & S

ANA ISABEL COLINDRES (MIN)...

PFF BANK & TRUST (TEE) ...ALTHOUSE & MCDONOUGH

1. This is the accounting of the special needs trust. The accounting for the estate was on 7-1-03.
2. Covers 4-30-02 through 4-30-03.
3. Trustee fees \$15,197.64. This fee is based on a percentage. This is the standard for the industry. However, it should be noted that based upon the hours alleged to have been spent the trustee is receiving \$562.88 per hour. Under any other circumstances this would clearly be excessive.
4. Trustee requests permission to continue to pay itself on a monthly basis.
5. Attorney is requesting \$1,000. Attorney indicates that this represents 5 hours at \$200 per hour. It should be noted that the petition indicates that this figure represents attorney and paralegal time. However, the itemization does not break out the paralegal time from the attorney time. \$200 per hour for paralegal is excessive. The norm is \$65-\$75 per hour. Judge to decide.
6. Accounting looks Ok. There are no objections in the file.
7. If petition granted court will have to set future dates. Set hearing for next accounting for 6-28-05, to cover 5-1-03 through 4-30-05.

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Rancho Superior Court

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DATE: 09/30/03

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18. CASE #: RG RS01123

CASE NAME: CORY J MORMINO

HEARING:

Petition for RESIGN AS GUARDIAN OF THE PERSON

COUNSEL:

FRANK M MORMINO
MARY E MORMINO
CORY J MORMINO

(PET) ... MICHAEL H. KEIFER
(PET) ... MICHAEL H. KEIFER
(MIN)...

Continued from 7-29-03. Court referred the matter to C.P.S. We are awaiting a report. Court indicated that guardians could not resign until a petition for successor guardian is filed or an alternative solution is presented by C.P.S. Nothing new filed.

1. Petitioners are the guardians. Both parents are deceased. Guardians contend that they cannot continue to act as guardians due to behavioral problems by the ward. Ward is 13 years old. The court shall allow the resignation when it appears proper. The court can fix the time at which the resignation will take effect and shall make orders necessary to deal with guardianship pending the appointment of a new guardian. (Pr. C. § 2660). If the court does not immediately appoint a new guardian the court must appoint a responsible adult to make education decisions in reference to the ward. (Pr. C. § 2662).
2. Suggest the court obtain a report from C.P.S. on what is to be done with the minor.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03 -----19. CASE #: RG
RS01189

TIME: 9:30 DEPT: R16P

CASE NAME: ABREANA, AUDRYANA, ALEXIS & ALANIZ ZABALA

HEARING:

Hearing Re: PETITION TO REINITIATE/REINSTATE GUARDIANSHIP.

CHARLES SIERRA (PET) ...HEIDI H ROMEO

GERALDINE SIERRA (PET) ...HEIDI H ROMEO

AUDRYANA ZABALA (MIN) ...

ALEXIS ZABALA (MIN) ...

ABREANA ZABALA (MIN) ...

ALANIZ ZABALA (MIN) ...

Continued from 4-29-03 and 7-8-03. Nothing new filed.

The petition for guardianship went O/C. The instant petition is a petition to reinstate the petition for guardianship. On 1-28-03 the parties entered into a stipulation pending further order of the court. The notes below represent the notes on the guardianship petition. Nothing new has been filed since the 1-28-03 hearing. This matter should be cross-referenced with RFL 031872, which is on for O.S.C. re visitation and custody on the same day and is set in this department.

Petition for guardianship, person only, by maternal grandparents, minors 9, 7, 4 and 2.

1. U.C.C.E.J.A. not complete as to minor Audryana. Please file supplemental.
2. Father is apparently objecting. No written objections in the file. See RFL 031872.
3. File notice of hearing and proof of personal service on parents. File proof of mailed service on Court Investigator and paternal grandparents.
4. Unclear if court has appointed Attorney Barker in this case.
5. File attachments 7, 8 and 11 to confidential screening form. Court may wish to review the confidential screening form.

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Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

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20. CASE #: RG RS01257

CASE NAME: CANDIE AND CARMENCITA ESCALANTE

HEARING:

Hearing Re: PROOF OF BLOCKED ACCOUNT & INVENTORY AND APPRAISAL.

COUNSEL:

MARIA ESCALANTE
SPILKE

(PET) ... LAW OFFICES OF HAUSER &

CANDIE ESCALANTE

(MIN)...

CARMENCITA ESCALANTE

(MIN)...

1. No file available for review.

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DATE: 09/30/03

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21. CASE #: RG RS01263

CASE NAME: DANIEL AND VANESSA LOPEZ

HEARING:

Hearing Re: filing of inventory and appraisal and acctng.

COUNSEL:

MAURICIO J LOPEZ SR (PET)...

SANDRA LOPEZ (PET)...

DANIEL LOPEZ (MIN)...

VANESSA E LOPEZ (MIN)...

1. No inventory and appraisal has been filed. Suggest clerk notice guardian of the need to file documents.

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22. CASE ##: RG RS01294

CASE NAME: ANDREW LEE BARKER

HEARING:

Petition for Appointment of Guardian

COUNSEL:

FILOMENA KENNON

(PET) ... PRO/PER

ANDREW LEE BARKER

(MIN)...

Petition for guardianship, person and estate only, by grandmother, minor 13.

Continued from 6-3-03 and 7-29-03. Nothing new filed.

1. Minor has no assets. Does not appear that guardianship of the estate is necessary.
2. Father had custody of the minor with visitation to the mother. Father is now deceased.
3. File notice of hearing and proof of personal service on minor.
4. File notice of hearing and proof of mailed service on Court Investigator and grandparents. **Court has dispensed with notice to maternal grandmother.**

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23. CASE ##: RG RS01297

CASE NAME: MICHAEL LARICE HERNANDEZ

HEARING:

Petition for Appointment of Guardian

COUNSEL:

EULYONDONA D LYONS (PET) ... PRO/PER

MICHAEL LARICE HERNANDEZ (MIN)...

Petition for guardianship, person only, by friend, minor 4. **Continued from 7-8-03.**
Appears the court continued the matter for proof of service on grandparents.
Nothing new filed.

1. Temporary orders were denied. **Temporary letters issued 7-8-03.**
2. File notice of hearing and proof of service per order prescribing notice.
3. Positive D.C.S. report in file.

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24. CASE ##: RG RS01302

CASE NAME: ISSAHYA J BENNETT

HEARING:

Petition for Appointment of Guardian

COUNSEL:

KAREN L CROMARTIE (PET) ... PRO/PER

ISSAHYA J BENNETT (MIN)...

Petition for guardianship, person only, by caretaker, minor 3. **Continued from 7-8-03. Still awaiting D.C.S. report.**

1. Petitioner has filed due diligence declarations as to maternal grandparents. JTD if sufficient. **Court finds due diligence declarations sufficient and notice to grandparents complete. Mother has indicated that she is not objecting to guardianship.**
2. Petitioner is not related to minor. Need D.C.S. report.
3. Court may wish to review the confidential screening form.
4. Temporary letters issued 7-8-03.

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25. CASE #: RG RS01304

CASE NAME: MARISSA CARIN NOLLOLA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

OFELIA NOLLOLA (PET) ... PRO/PER

SILVERIO NOLLOLA (PET) ... PRO/PER

MARISSA CARIN NOLLOLA (MIN)...

Petition for guardianship, person only, by paternal grandparents, minor 12. **Continued from 7-15-03. Court dispensed notice to grandparents, as they are deceased. Mother is not objecting. Court still requires notice on father and Court Investigator.**

1. Temporary letters issued 5-27-03.
2. File notice of hearing and proof of service per order prescribing notice.
3. File notice of hearing and proof of personal service on minor.
4. Court may wish to review the confidential screening forms.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03 TIME: 9:30 DEPT: R16P -----

26. CASE #: RG RS01307

CASE NAME: TYLER KARAISCOS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

DEBORAH WHITE (PET) ... PRO/PER

JEFF SWEENEY (PG)...

TYLER KARAISCOS (MIN)...

Petition for guardianship, person only, by friends, minor 10. **Continued from 7-15-03.**
Still awaiting D.C.S. report.

1. Temporary letters issued 6-3-03.
2. Due diligence declarations filed as to father and paternal grandfather. JTD if sufficient. Court ordered notice on D.C.S. Do not see that in the proof of service.
3. Petitioners not related to minor. Need D.C.S. report.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

27. CASE #: RG RS01309

CASE NAME: ARIEL P CULLUM

HEARING:

Petition for Appointment of Guardian

COUNSEL:

SANDRA JONES

(PET) ... PRO/PER

ARIEL P CULLUM

(MIN)...

Petition for guardianship, person only, by maternal grandmother, minor 7. **Continued from 7-22-03. Court indicates that there is a question as to the identity of the petitioner. Court orders that petitioner bring identification with her to the next hearing. Court also indicated that the petitioner must personally appear, telephonic appearances will not be allowed. Clerk has given notice.**

1. File notice of hearing and proof of service per order prescribing notice.
2. See Court Investigator report.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

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DATE: 09/30/03 TIME: 9:30 DEPT: R16P -----

28. CASE #: RG RS01310

CASE NAME: ANDREA JUNE WILLIAMS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

HARRIET BROWN (PET) ... PRO/PER

ANDREA JUNE WILLIAMS (MIN)...

Petition for guardianship, person only, by aunt, minor 16. **Continued from 7-29-03.**
Court finds mother not objecting.

1. Temporary letters issued 6-9-03.
2. File proof of personal service on parents. File proof of mailed service on Court Investigator. **Due diligence declaration filed as to father. Appears sufficient. Court Investigator serviced.**
3. File notice of hearing and proof of personal service on ward. **Minor was in court and apparently not objecting.**

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

29. CASE #: RG RS01325

CASE NAME: MARISSA R ROBLEDO

HEARING:

Petition for Appointment of Guardian

COUNSEL:

DOLORES FEDORCHUK

(PET) ... PRO/PER

MARISSA R ROBLEDO

(MIN)...

Petition for guardianship, person only, by great maternal (?) grandmother, minor 16

1. Temporary letters issued 7-24-03.
2. File notice of hearing and proof of service per order prescribing notice.

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Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

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DATE: 09/30/03 TIME: 9:30 DEPT: R16P -----

30. CASE #: RG RS01326

CASE NAME: RYON AND DRANNON FORMAN

HEARING:

Petition for Appointment of Guardian

COUNSEL:

JESSICA FORMAN (PET) ... PRO/PER

RYON FORMAN (MIN)...

JESSICA FORMAN (MIN)...

Petition for guardianship, person only, by maternal grandmother, minors 7 and 4.

1. Temporary orders were denied.
2. See CII report re other members of household.
3. Per minute order mother is not objecting.
4. File notice of hearing and proof of service per order prescribing notice.

CIVCAL4

Rancho Superior Court

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TIME: 9:30

DEPT: R16P -----

31. CASE ## :RG RS 013 2 7

CASE NAME: AUSTIN & HEATHER BIVENS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

THOMAS URBACH

(PET) ... PRO/PER

AUSTIN BIVENS

(MIN) ...

HEATHER BIVENS

(MIN) ...

Petition for guardianship, person only, by friend, minors 12 and 6.

1. Temporary letters issued 7-29-03.
2. File notice of hearing and proof of service per order prescribing notice. Birth certificates showing no father have been provided.
3. Court may wish to review the confidential screening form.
4. Not related. Need C.P.S. report.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

32. CASE #: RG RS01328

CASE NAME: LEXUS KRISTINE MIATA FERREIRA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

NARCIE FERREIRA

(PET) ... BEVERLY A SPARROW MARY

FERREIRA

(PET) ... BEVERLY A SPARROW LEXUS

KRISTINE MIATA-FERREIRA (MIN)...

Petition for guardianship, person only, by paternal grandparents, minor 9

1. Temporary letters issued 8-23-03.
2. Mother has signed consent and waiver.
3. File notice of hearing and proof of personal service on father.
4. File notice of hearing and proof of mailed service on Court Investigator.

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Rancho Superior Court

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DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

3 3 . CASE ## :RG RS 013 2 9

CASE NAME: TYLER WALKER

HEARING:

Petition for Appointment of Guardian

COUNSEL:

LASHIRL WALKER

(PET) ... PRO/PER

TYLER WALKER

(MIN)...

Petition for guardianship, person only, by paternal grandmother, minor 11.

1. File due diligence declaration as to Terry Eager.
2. File notice of hearing and proof of personal service on parents.

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Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03 TIME: 9:30 DEPT: R16P -----

34. CASE ##: RG RS01338

CASE NAME: DARLICIA MEDINA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

KALANI RUIZ (PET) ... CHRISTINA FERRANTE

JOSHUA MARTINEZ (PET) ... CHRISTINA FERRANTE

DARLICIA MEDINA (MIN)...

Petition for guardianship, person only, by maternal aunt and Joshua Martinez, minor 2.

1. How is Joshua Martinez related to the minor?
2. Birth certificate provided re proof as to father.
3. Minor **DOES** have Native American ancestry. Tribal Council has been noticed.
4. Confidential screening form of Joshua Martinez conflicts with guardianship questionnaire.
5. File notice of hearing and proof of personal service on mother.

CIVCAL4

Rancho Superior Court

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HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

36. CASE #: RC RS659

CASE NAME: IN THE MTTR OF DAVID J OMLIN

HEARING: Accounting Review

COUNSEL:

ELSIE L. OMLIN

(PET) ...ALLAR, SHELTON & O'CONNOR

DAVID JOSEPH OMLIN

(PCE)...

Continued from 7-29-03. Nothing new filed.

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice. Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue citations and have them personally served on the conservator and counsel.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

1. CASE #: RC RS00238

CASE NAME: EMILA MONCADA

HEARING:

Hearing Re: SECOND ACCOUNTING AND RELATED FEES.

COUNSEL:

MARTH ESPINOZA

(PET) ...NAKADA & SILVA

EMILA MONCADA

(PCE)...ANNETTE G. DE BELLEFEUILLE

BARRY ESKIN

(TP)...PRO/PER

1. On 4-15-03 an accounting was approved. It was not an accounting current in that accounting covered only through 5-15-01. A second accounting was to have been filed by 6-13-03. Still not filed. We are still awaiting the second accounting.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

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2. CASE #: RC RS00238

CASE NAME: EMILA MONCADA

HEARING:

Hearing Re: PETITION FOR COURT TO ORDER BOND.

COUNSEL:

MARTH ESPINOZA

(PET) ...NAKADA & SILVA

EMILA MONCADA

(PCE)...ANNETTE G. DE BELLEFEUILLE

BARRY ESKIN

(TP)...PRO/PER

1. The bond requested is \$30,000. That bond has been filed. See left hand side of file.

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HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03 TIME: 9:30 DEPT: R16P -----

3. CASE #: RC RS00238

CASE NAME: EMILA MONCADA

HEARING:

OSC re: FAILURE TO FILE ACCOUNTING OR INVENTORY/APPRAISAL

COUNSEL:

MARTH ESPINOZA

(PET) ...NAKADA & SILVA

EMILA MONCADA

(PCE)...ANNETTE G. DE BELLEFEUILLE

BARRY ESKIN

(TP)...PRO/PER

Continued from 7-15-03. Nothing new filed.

1. An accounting covering 5-19-99 through 5-15-01 was filed on 4-4-03. Petitioner indicated that a current accounting would be filed on or before 6-13-03. As of 7-10-03 no second accounting has been filed. It should be noted that this accounting is filed by the attorney for the Conservatee. The court approved the accounting filed by counsel for the Conservatee and signed the order thereon on 5-1-03.
2. The accounting is based on an initial "opening inventory". The petition indicates that the inventory and appraisal was being filed with the accounting. No inventory was filed and is approximately 4 years overdue. There is a statement of property on hand on 5-19-99. However, this is not a proper inventory and appraisal.

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HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03 -----

TIME: 9:30

DEPT: R16P -----

4. CASE #: RC RS00238

CASE NAME: EMILA MONCADA

HEARING:

Petition for ATTORNEY FEES AND COSTS

COUNSEL:

MARTH ESPINOZA

(PET) ...NAKADA & SILVA

EMILA MONCADA

(PCE)...ANNETTE G. DE BELLEFEUILLE

BARRY ESKIN

(TP)...PRO/PER

Continued from 7-15-03. Nothing new filed.

1. See court's order signed 5-1-03. It appears that the court already approved attorney fees costs and reimbursements as far as Kandy Sullivan is concerned and reimbursement of the Conservator for Sullivan's costs.
2. It does not appear that the court has resolved the fees petition filed by Attorney De Silva. Attorney is requesting \$3,999 in fees and \$75.90 in costs. See petition on left hand side of file. The amount is itemized. Based on the awards already made by the court it would not appear that the estate has the liquid assets to pay these fees.

CIVCAL4

Rancho Superior Court

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HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

5. CASE #: RC RS00238

CASE NAME: EMILA MONCADA

HEARING:

Petition for FOR AMENDED ORDERS AND LETTERS

COUNSEL:

MARTH ESPINOZA

(PET) ...NAKADA & SILVA

EMILA MONCADA

(PCE)...ANNETTE G. DE BELLEFEUILLE

BARRY ESKIN

(TP)...PRO/PER

Continued from 7-15-03. Nothing new filed.

1. The original petition requested and the court granted medical and dementia orders. The order and letters submitted and signed did not contain these powers. Petitioner requests that the orders be amended to include the orders granted on 5-19-99.

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HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03 TIME: 9:30 DEPT: R16P -----

6. CASE #: RC RS00238

CASE NAME: EMILA MONCADA

HEARING:

FIRST ACCT CURRENT & REPORT

COUNSEL:

MARTH ESPINOZA

(PET) ...NAKADA & SILVA

EMILA MONCADA

(PCE)...ANNETTE G. DE BELLEFEUILLE

BARRY ESKIN

(TP)...PRO/PER

1. First account was already approved, but was not an account current. We are awaiting the second account.

CIVCAL4

Rancho Superior Court

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HONORABLE COMMISSIONER KATHLEEN BRYAN -----

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7. CASE #: RC RS00255

CASE NAME: CLIFFORD HENRY STEELE

HEARING:

Hearing Re: STATUS OF JOSKEENTON STEELE.

COUNSEL:

ETHEL V STEELE

(PET) ...LAYNE A BARTHOLOMEW

CLIFFORD HENRY STEELE

(PCE)...THERESE M. ZARTMAN

1. Joskeenston Steele is one of the Conservators in this case. He failed to sign a verification for the accounting. It was then discovered that he was missing. Court suspended his powers. Court then continued the matter from 8-12-03 to this date to determine status of Joskeenston. Nothing new filed.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

8. CASE #: RC RS00278

CASE NAME: BERNIEDINE GALEZIEWSKI

HEARING:

SECOND ACCT CURRENT & REPORT

COUNSEL:

CINDY SENN

(PET) ... SANDRA N. BALDONADO

BERNIEDINE GALEZIEWSKI

(CEP)...

Continued from 7-22-03. Nothing new filed.

1. Covers 3-31-01 through 3-31-03.
2. Conservator requests fees of \$5,005 representing 143 hours at \$35 per hour. No itemization filed. Does court want itemization? Conservator has already paid herself \$4,700. Did court authorize Conservator to take advances on fees? Don't see that order in the file. JTD
3. Attorney requests fees of \$1,500 representing 6 hours at \$250 per hour. Not itemized. Did court want itemization? JTD
4. Petitioner requests that bond be reduced to current asset value of \$82,498.83. This does not take into account the income of the Conservatee, as is required by the code. Bond should be set in the amount of \$96,000. JTD
5. What is "MVAC", mentioned repeatedly in the accounting? File supplemental.
6. File original bank statements.
7. RFA subject to numbers 5 and 6 and court's ruling on 2, 3 and 4. Set hearing for next accounting for 6-7-05, to cover 4-1-03 through 3-31-05.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

9. CASE #: RC RS00288

CASE NAME: AUDREY M SCHULTZ

HEARING:

Hearing Re: PROPOSED ORDER FOR GIFTING.

COUNSEL:

AUDREY L PETRILLO
AUDREY M SCHULTZ
CAROL DORN

(PET) ... DAVID M GROSSMAN
(DEC)...
(PET) ... DAVID M GROSSMAN

1.Counsel for the petitioner has requested that the matter go O/C, as the Conservatee passed away on 8-17-03.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03 TIME: 9:30 DEPT: R16P -----

10. CASE #: RC RS00355

CASE NAME: MAUREEN M BABCOCK

HEARING:

Hearing Re: FIRST AND FINAL ACCOUNTING.

COUNSEL:

JOSEPH R BABCOCK (PET) ... PRO/PER

MAUREEN M BABCOCK (PCE)...

1. No accounting or inventory and appraisal has been filed in this case. The court has continued the matter for filing of these documents. Nothing new filed. Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

11 . CASE ## :RC RS00357

CASE NAME: OSCAR CANNON

HEARING:

Hearing Re: PETITION FOR CONSERVATORSHIP/RESIGN PUBLIC GUARDIA.

COUNSEL:

SHARANDA R FLETCHER (PET) ... PRO/PER

OSCAR CANNON (PCE)...

PUBLIC GUARDIAN (TP)...PRO/PER

Continued from 5-27-03 and 7-22-03. On 7-22-03 the Conservator and Public Guardian appeared. The court read the report of the Public Guardian. The Conservator never had permanent letters issued. The court has ordered the Conservator to file a new petition for conservatorship. Not filed to date. Court has ordered a Court Investigator report. We are still awaiting the report.

1. On 3-18-03 the court removed the Conservator and appointed the Public Guardian. The court ordered the clerk's office to notice both Public Guardian and Conservator. Notice to Conservator was returned with a forwarding address. Does not appear that clerk sent notice to forwarding address.
2. Nothing new filed.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P -----

12. CASE #: RC RS00369

CASE NAME: KRISTI MARIE GORDON

HEARING: Accounting Review

COUNSEL:

SHARON GORDON

(PET) ... CHRISTINA FE RRANTE

CHRISTOPHER GORDON

(PET) ... CHRISTINA FERRANTE

KRISTI MARIE GORDON

(PCE)...

Continued from 7-15-03 and 8-12-03. Nothing new filed.

1. Matter is on for O.S.C. re failure to file inventory and appraisal. The inventory and appraisal has now been filed.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents. At the hearing on 7-8-03 the court gave counsel 30 days in which to file bank statements. Court may wish to calendar this matter for 8-12-03 to verify if bank statements have been filed. Accounting review has been set for 9-30-03.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03 TIME: 9:30 DEPT: R16P -----

13. CASE #: RC RS00411

CASE NAME: EFRAIN CORDEZ DOMINGUEZ

HEARING:

Hearing Re: REVIEW.

COUNSEL:

LAWRENCE A DEAN II (PET) ...SHERRI L KASTILAHN

EFRAIN CORDEZ DOMINGUEZ (PCE)...

Continued from 7-8-03. Clerk has given notice. Nothing new filed.

1. Inventory and appraisal filed.
2. File attachment 1 to inventory and appraisal.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KATHLEEN BRYAN -----

DATE: 09/30/03

TIME: 9:30

DEPT: R16P

35. CASE #: RFLRS031872

CASE NAME: RUDOLFO V ZABALA JR -N- EILEEN M ZABALA

HEARING:

Order to Show Cause re: CC/CV filed by RUDOLFO VALENTINO ZABALA JR .

COUNSEL:

RUDOLFO VALENTINO ZABALA JR (PET) ... PRO/PER

EILEEN MICHELLE ZABALA (RES)...HEIDI H ROMEO

1. No file available for review.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03 TIME: 10:30 DEPT: R17P -----

22. CASE #: OPRRS3627

CASE NAME: IN THE MTTR OF LILLIAN S LEVINSON

HEARING:

Nineteenth and Final Account and Report.

COUNSEL:

DIANE LEVINSON BOETTCHER (PET) ...WILLARD D HORWICH

LILLIAN S LEVINSON (DEC)...

WELLS FARGO BANK (PET) ...ZETTERBERG & KING

1. Covers 7-1-02 through 6-30-03.
2. Trustee is a corporate fiduciary.
3. Trust of Melissa Abbott has been fully distributed and this accounting concerns the remaining 3 sub-trusts.
4. Petitioner requests the court approve the payment of \$300 per trust per year for tax preparation. This does not appear unreasonable.
5. Petitioner requests approval of fees in the amount of \$9,569.90 to be divided between the trusts in accord with the work done on the various trusts. A portion has already been taken in accord with court order. Petitioner requests permission to continue to take quarterly 80% of reasonable fees earned. This has previously been approved by the court.
6. Attorney requests \$6,087.50 representing 24.35 hours at \$250/hr. Amount is itemized. Petitioner requests that fee be divided equally between the remaining trusts.
7. There is no objection to the accounting in the file.
8. Absent objection recommended for approval.
9. Set hearing for next accounting for 9-28-04, to cover 7-1-03 through 6-30-04.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

1. CASE #: RPRRS00534

CASE NAME: IN THE ESTATE OF SANDRA L REEP

HEARING:

Petition for TERMINATION OF FURTHER PROCEEDINGS AND DISCHARGE OF
PERSONAL REPRESENTATIVE

COUNSEL:

DAVID C REEP

(PET) ... RICHARD G ANDERSON

PEGGY OLSON

(OBJ)...E LAWRENCE BROCK

1. It is alleged that all assets of the estate were disposed of through a spousal property petition. It is alleged that there are therefore no assets subject to probate. Petitioner therefore requests that the proceedings be terminated and the personal representative be discharged.
2. The problem is that the court never granted the spousal property order. The parties have now entered into a stipulated agreement and request the court approve the agreement. Once this is done then this petition can be granted. The settlement agreement has now been filed. Once the court approves the settlement then this petition can be granted.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

2. CASE #: RPRRS00848

CASE NAME: IN THE ESTATE OF ANNA LEE HOLT

HEARING:

Hearing re Final Discharge

COUNSEL:

GENE W. BECKMAN

(PET) ... JERRY BRENT ALLEN

ANNA LEE HOLT

(DEC)...

Filing of receipts and discharge. **Continued from 4-12-02, 5-14-02, 6-18-02, 8-20-02, 11-5-02, 1-14-03, 4-15-03 and 7-29-03. At the hearing on 6-18-02 it was disclosed that one of the beneficiaries could not be found. If this is still the case the petitioner can use the procedure set forth in Pr. C. § 11850 et seq. On 1-6-03 the court received a declaration from counsel indicating the efforts he has gone through to attempt to locate Mr. Long. He requested that the matter be continued for another 4 months to allow him to pursue his final leads on the man. The court then continued the matter to 7-29-03. On 7-29-03 counsel failed to appear and the court continued the matter and had the clerk give notice. Nothing new filed.**

1. Still need receipt from Harold Long and final discharge order.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

3. CASE #: RPRRS01164

CASE NAME: MATTER OF THE JENNIFER MAE MARIE ALLEN SPECIAL

HEARING: Accounting Review

COUNSEL:

LINDA MAXWELL

(PET) ...BUXBAUM & CHAKMAK

1. This is a special needs trust that requires annual accountings.
2. Covers 6-1-02 through 6-30-03.
3. Petitioner requests fees of \$2,453.50. Amount is itemized.
4. Attorney requests fees of \$913. Amount is itemized.
5. Accounting looks ok.
6. File notice of hearing and proof of service.
7. Recommended for approval subject to number 6. Set hearing for next accounting for 8-31-04, to cover 7-1-03 through 6-30-04

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03 TIME: 10:30 DEPT: R17P -----

4. CASE #: RPRRS01164

CASE NAME: MATTER OF THE JENNIFER MAE MARIE ALLEN SPECIAL

HEARING:

Fifth and Final Account and Report.

COUNSEL:

LINDA MAXWELL

(PET) ...BUXBAUM & CHAKMAK

1. See preceding page.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03 TIME: 10:30 DEPT: R17P -----

5 . CASE ## : RPRRS 014 3 9

CASE NAME: GEORGE F GARNETT

HEARING:

OSC re: FAILURE TO FILE REQUIRED DOCUMENTS AND SANCTIONS

COUNSEL:

DAWN R GARNETT

(PET) ... RICHARD G ANDERSON

GEORGE G GARNETT

(DEC)...

Accounting review. **Continued from 12-10-02, 3-4-03, 5-20-03 and 8-5-03. Court ordered family allowance terminated. Court further ordered that powers would be suspended if accounting or declaration not filed prior to 8-5-03 hearing. Nothing new was filed. On 8-5-03 no one appeared for the hearing. Court then set the matter for O.S.C. re failure to file required documents. Court order citations issued and served. Clerk served petitioner and counsel by mail. Nothing new filed.**

1. No status report has been filed. The clerk has given notice. Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue citations and have administrator and counsel personally served.
- 2.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

6. CASE #: RPRRS01745

CASE NAME: MARY JANE BARKER

HEARING:

Waiver of account and for final distribution.

COUNSEL:

JACQUELINE P PAGANO

(PET) ...VARNER, SALESON & BRANDT

MARY JANE BARKER

(DEC)...

1. Accounting is properly waived.
2. Attorney has advanced costs in the amount of \$584 and requests reimbursement.
3. Statutory fees are \$8,997. Petitioner waives fees. There are no liquid assets. How is attorney to be paid?
4. Recommended for approval subject to number 3. Set hearing for filing of receipts and discharge for 11-30-04.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03 TIME: 10:30 DEPT: R17P -----

7. CASE #: RPRRS01824

CASE NAME: TOM E SMITH

HEARING:

First and Final Account and Report.

COUNSEL:

JUDITH ASTADURIAN

(PET) ...ROBBINS & HOLDAWAY

TOM E SMITH

(DEC) ... CHRISTINA FERRANTE

1. On 3-18-03 this court ordered that the share of beneficiary Thomas "Tommy" Smith was to be placed in a special needs trust. The petition indicates that a copy of the proposed trust is attached to the petition. It does not appear to be attached.
2. Statutory fees are \$15,973.44.
3. Attorney requests extra-ordinary fees in the amount of \$8,887.50 from the estate in general and \$1,350 from the share of Tommy Smith for preparing the special needs trust. Amounts are itemized. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that ordinary fees have actually been earned. (In re Walker Estate (1963) 221 C.A.2d 792).
4. Court appointed attorney for Tommy is requesting fees of \$1,025 for representing him in the dispute over whether he should receive any of the assets. Court may wish to require points and authorities on why this should not come out of the estate as a whole.
5. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.
6. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 11-30-04.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

8. CASE #: RPRRS01920

CASE NAME: KARL MATTHEW KEMP

HEARING:

Petition for termination of further proceedings and discharge of personal representative of estate

COUNSEL:

KAI CLAUSELL

(PET) ... PAUL N GAUTREAU

KARL MATTHEW KEMP

(DEC)...

1. RFA, if no objection filed.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03 TIME: 10:30 DEPT: R17P -----

9 . CASE ## : RPRRS01964

CASE NAME: KETTENHOFEN FAMILY TRUST 07/11/97

HEARING:

Hearing Re: Amended First & Final Accounting.

COUNSEL:

THOMAS F NUSS

(PET) ...M DANIEL SAYLOR

MARGARET A MADEWELL

(PET) ...BROCK LAW OFFICE

**Case settled, but "Full Settlement" needed to be circulated for signatures.
Status? Still on calendar for First and Final Accounting. Prior notes below:**

1. The trustee is asking to be relieved as trustee and states no preference re: successor. The trust calls for M. Daniel Saylor to be the successor trustee. The residuary beneficiaries wish to be named as the successor co-trustees. JTD
2. There are distributions to minors. Petitioner proposes to distribute the assets to the minors' parents under the Uniform Transfer to Minors Act.
3. Attorney fees have been paid through the trust and no fees are sought in this petition.
4. Petitioner seeks fees of \$19,260 representing 48.15 hours at \$400 per hour. Hourly fee may be excessive for the area. JTD
5. The trust is supposed to be brought to a close, but the beneficiaries do not want it to close. Hence, the need to appoint successor trustee.
6. Objections have been filed. Matter is contested and should be set down on the contested calendar.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03 TIME: 10:30 DEPT: R17P -----

10. CASE #: RPRRS02057

CASE NAME: MILDRED R BARKER

HEARING:

Waiver of account and for final distribution.

COUNSEL:

JANELLE R GONZALES (PET) ... PRO/PER

MILDRED R BARKER (DEC) ...

1. Waiver of accountings filed by the three beneficiaries.
2. Need to file Notice of Hearing and Proof of Service.
3. Ready for final distribution, subject to 1. Once approved, will need to set hearing for filing of receipts and for final discharge for 9-24-04.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03 TIME: 10:30 DEPT: R17P -----

11. CASE #: RPRRS02092

CASE NAME: CARL J SCHNEIDER TRUST 05/13/87

HEARING:

Hearing Re: Review.

COUNSEL:

CATHLEEN SUE SCHNEIDE RUSSELL (PET) ... LINDA K ROSS

1. On 7-22-03, court ordered Atty Horspool to file an I&A, accounting and declaration regarding what remains by 9-16-03. Not filed as of 9-18-03.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

12. CASE ## : RPRRS02107

CASE NAME: MARLENE HOPE NEWPORT

HEARING:

FIRST and Final Account and Report.

COUNSEL:

DOUGLAS NEWPORT

(PET) ...WILKINSON & WILKINSON

MARLENE HOPE NEWPORT

(DEC)...

1. Need to file bank statements, per local rule.
2. Petitioner waiving statutory fees.
3. Attorney requesting statutory fees of \$15,040.04. OK
4. Per will, all assets to go to spouse. Petitioner (spouse) requests that the court honor the Totten Trust designation on bank accounts, to pay those sums directly to the persons named on those accounts. JTD.
5. RFA subject to 1. Once approved, will need to set hearing for filing of receipts and for final discharge for 9-24-04

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

13. CASE #: RPRRS02115

CASE NAME: WALTER JOSEPH KOTWICA

HEARING:

First and Final Account and Report.

COUNSEL:

DORIS R KOTWICA

(PET)...GARY A FOLTZ

WALTER JOSEPH KOTWICA

(DEC)...

1. Waiver of accounting by sole beneficiary.
2. Petitioner waiving statutory fees.
3. Attorney requesting statutory fees of \$7894. OK.
4. RFA. Once approved, will need to set hearing for filing of receipts and for final discharge for 9-24-04.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

14. CASE #: RPRRS02128

CASE NAME: MARIA BARCELOS CARREIA

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOAO B CORREIA

(PET) ... WILLIAM C DARDEN

CECILIA B PIRES

(PET) ... WILLIAM C DARDEN

MARIA BARCELOS CORREIA

(DEC)...

Filed. May go off-calendar.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03 TIME: 10:30 DEPT: R17P -----
15. CASE #: RPRRS02140

CASE NAME: MANUEL CORTEZ

HEARING:

Petition for TO DETERMINE TITLE TO AND INTEREST IN REAL PROPERTY AND
FOR RESTRAINING ORDERS

COUNSEL:

EVANGELINA CORTEZ (PET) ... EINSTEIN & SPIEGEL

MANUEL CORTEZ (DEC)...

1. Petition under PC 850 needs to be served like a summons under CCP 413.10 for each person claiming an interest in the property. The Proof of Service filed here shows mail service on the interested parties, rather than personal service. Without Proof of Personal Service under CCP, court **has no jurisdiction** to hear this petition.
2. Petitioner seeking to void a foreclosure sale on real property owned by decedent. Petitioner stopped paying mortgage while working out a settlement with Singer (purchaser of decedent's annuity). Settlement recently in the Singer litigation, and petitioner now has money to pay off the arrears.
3. Will need to file Points & Authorities with statutory authority to support position that the foreclosure was legally improper and can be voided.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03 TIME: 10:30 DEPT: R17P -----

16. CASE #: RPRRS02171

CASE NAME: RICARDO RAMIREZ

HEARING:

Hearing Re: FILING OF BANK STATEMENTS.

COUNSEL:

NELLIE TRUJILLO

(PET) ...MCCLELLAN & WILSON

RICARDO RAMIREZ

(DEC)...

1. Not filed yet.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03 TIME: 10:30 DEPT: R17P -----

17 . CASE ## :RPRRS02180

CASE NAME: LAWRENCE A CARPENTIER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

RICHARD J CARPENTIER (PET) ... PRO/PER

LAWRENCE A CARPENTIER (DEC)...

1. Filed, but still needs to submit bank statements per local rule.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

18 . CASE ## :RPRRS02254

CASE NAME: JUNE E MALONE

HEARING:

Petition for Probate, Letters of Tstmntry with full authority under IAEA.

COUNSEL:

IAN P MALONE

(PET) ... HOWARD R HAWKINS

JUNE E MALONE

(DEC)...

Continued from 8-12-03.

1. Will waives bond
2. File proof of publication.
3. RFA subject to 2. Set hearing for the filing of the inventory and appraisal for 3-30-04. Set hearing for the filing of a status report and/or accounting for 11-30-04. Any accounting to be filed 30 days in advance. Note local rules regarding filing of bank statements.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

19. CASE #: RPRRS02280

CASE NAME: HANS NEDEREND, SR. TRUST

HEARING:

Petition for TO DETERMINE THE EXISTENCE OF A TRUST AND FOR
INSTRUCTIONS

COUNSEL:

RICHARD G ANDERSON

(PET) ... RICHARD G ANDERSON

HANS NEDEREND SR

(DEC)...

1. Petition may not be verified by attorney. PC 1023 allows an attorney to verify when petitioner is out of county EXCEPT when the person is a fiduciary appointed by the proceeding. Petition asks that the co-trustees be named by the court.
2. Need verification.
3. Need to file Notice of Hearing and Proof of Service.
4. A complete copy of the will needs to be filed. Missing first page. Will provides that property only goes to trust if it has not been disposed of otherwise. With first page missing, impossible to tell if the property was specifically named in the will.
5. Seeking a court order that a piece of real property should be trust property, per *Estate of Heggstad* (1993) 16 Cal.App.4th 943, 950: "a written declaration of trust by the owner of real property, in which he names himself trustee, is sufficient to create a trust in that property, and that the law does not require a separate deed transferring the property to the trust."
6. Insufficient information in the Petition to determine if *Heggstad* applies here. Title report indicates that on 2-18-03, Hans Nederend Jr. attempt to grant a deed of

trust to secure indebtedness of \$1,571,000. Title report missing pages that explain the transaction. These actions are very unclear and need explanation.

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

20. CASE #: RPRRS02282

CASE NAME: WILLIAM K MERRILL

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

STEPHEN A GERRARD

(PET) ... NORMAN RASMUSSEN

WILLIAM K MERRILL

(DEC)...

1. Rosa Elvira Fuentes filed request for special notice. She indicates in the request that she is an intestate beneficiary. But she is not listed in the Petition. Please explain.
2. Requests bond of \$41,000. OK
3. Absent objection and subject to explanation of 1, RFA. Set hearing for the filing of the inventory and appraisal for 3-30-04. Set hearing for the filing of a status report and/or accounting for 11-30-04. Any accounting to be filed 30 days in advance. Note local rules regarding filing of bank statements

CIVCAL4

Rancho Superior Court

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY -----

DATE: 09/30/03

TIME: 10:30

DEPT: R17P -----

21. CASE #: RCVRS073068

CASE NAME: SAM SALAZAR -N- RENEE CAMPOS

HEARING:

Order to Show Cause re: ELDER ABUSE filed by SAM SALAZAR.

COUNSEL:

SAM SALAZAR

(PET) ... ROBERT K SCOTT

NELLIE C SALAZAR

(PP)...ROBERT K SCOTT

RENEE CAMPOS

(RP)...

1. Original request for OSC denied on 6-17-03.
2. Filed Amended Petition on 8-16-03 at window to obtain date for hearing. No restraining order issued.
3. Petitioner alleges he has power of attorney over Nellie Salazar. Power of Attorney contingent upon her incapacity, as verified in writing by two licensed physicians. Has provided letters from two doctors.
4. **Need to file Proof of Service on OSC. OSC needs to be served in the same manner as a summons. (California Rules of Court, Rule 359) There was no order shortening time, so 21 days notice would be required. (CCP 1005)**
5. The application for this OSC should have indicated that a previous application had been made and denied. (CRC, Rule 359(e).)

(Add-on)

Sylva

RPR 01832

Petition for Order Settling First and Final Account and for Final Distribution

Continued from 8-19-03. Minute order states: "waive untimely filing of exceptions to accounting"

Prior notes:

1. Covers 11-28-01 through 6-23-03.
2. Co-trustees paid themselves \$16,700 in fees prior to the matter being submitted to the jurisdiction of the court. Petitioner requests court approve these payments.
3. Attorney has been paid \$4,152.50 and later \$4,320. These fees were paid prior to the matter being submitted to the jurisdiction of the court. Petitioner requests court approve these payments.
4. One of the beneficiaries is under 25 and the trust requires the establishment of a sub-trust. Payments have been made to that sub-trust.
5. Co-trustees request additional compensation of \$8,475. Petitioners indicate that this request is supported by the declaration at Exhibit H. However, this appears to be the attorney's itemization. Their declaration is actually at Exhibit C. Supplement corrects this point.
6. Attorney requests additional compensation in the amount of \$20,662.50. Amount is itemized.
7. Petitioner requests a reserve of \$5,000 for potential liabilities.

8. if court grants the petition for distribution, the petitioners request that bond be reduced to \$5000. However, minimum bond is \$10,000.
9. There is a reference to Exhibit J, the pre-nuptial agreement. However, there is no Exhibit J. Correction: Exhibit I.
10. Margaret Sylva and Jack Christ had a joint checking account. Jack is not a party to the trust account. There have been questions from some of the beneficiaries concerning how the money was spent in the joint checking account. It is the position of the petitioners that 50% of the assets would not be the property of the trust in that they would belong to Jack Christ. Petitioners contend that the value of the examination of the checks and account would be outweighed by the costs of such examination. Petitioners request that the court order that no further examination of the account will be permitted. Judge to decide.
11. Certain cash and personal property distributions have been made to the beneficiaries. There have been no objections to these distributions.
12. If petition granted, court will have to set future dates. Set hearing for the filing of receipts and final discharge for 10-26-04.
13. Exceptions to accounting filed by James Sylva.
14. Set on contested calendar.